

Chapter 114: Junk Dealers

[Adopted 2-11-24 ATM. Replaced 2-17-47 ATM Art. 35. Amendments noted where applicable.]

§ 114.1. License required. [Amended 3-9-57 ATM Art. 32]

The Selectmen may license suitable persons to engage regularly in the business of being a dealer in and keeper of shops or unattended donation receptacles for the purchase, sale, collection, or barter of junk, old metals, or secondhand articles. Unattended donation receptacle means any unattended container, receptacle, or similar device that is located on any lot within the Town and that is used for soliciting and collecting donations of clothing or other salvageable personal property.

- A. The Selectmen may also license suitable persons to engage regularly in the business of acting as junk collectors, to collect by purchase, or otherwise, junk, old metals and secondhand articles from place to place in said Town; and they may provide that such collectors shall display badges upon their persons, upon their vehicles, or both when engaged in collecting, transporting or dealing in junk, old metals or secondhand articles and may prescribe the design thereof. The annual fee for such license shall be \$50.
- B. No Person shall cause to be erected, placed, maintained or operated in the Town of Westford any unattended donation receptacle, without first having obtained a permit from the Building Commissioner, or his or her designee, in accordance with this Bylaw and such further regulations as may be adopted or amended by the Board of Selectmen from time to time. Permits shall be issued to duly licensed Junk Collectors and Junk Dealers. The fee for such license shall be \$50.

§ 114.2. Record of purchases required. [Amended 5-11-2002 ATM Art. 30]

Every such shopkeeper shall keep a book, in which shall be written at the time of every purchase of any such article a description thereof and the name, age and residence of the person from whom and the day and hour, when such purchase was made and such book shall at any time be open to the inspection of the Selectmen and by their designee to make such an inspection.

§ 114.3. Examination of premises. [Amended 5-11-2002 ATM Art. 30]

Every such shopkeeper shall allow his/her shop and all articles of merchandise therein to be at any time examined by the Selectmen and by their designee, and every collector shall allow any place, vehicles or receptacle used for the collection or keeping of such articles of merchandise to be at any time examined by the Selectmen and by their designee.

§ 114.4. Storage; fence requirements. [Added 3-9-57 ATM Art. 32; amended Amended 5-11-2002 ATM Art. 30]

- A. Every such shopkeeper shall store all such merchandise in a building or behind a solid fence of sufficient height to screen such merchandise from any public way. The fence

shall be set back not less than 35 feet from a public way.

- B. Unattended donation receptacles shall be permitted only in the commercial, business and industrial districts, and upon any property used in conjunction with an educational, religious or child care facility with a zoning exemption in accordance with Massachusetts General Law chapter 40A, section 3 and the Town's Zoning Bylaws and shall meet the minimum set-back requirements of the applicable zoning district. No unattended donation receptacle shall be placed within the layout of any sidewalk or public or private way. No unattended donation receptacle shall be erected, placed, maintained or operated on the property of another unless the owner of the property has provided their express written consent.

§ 114.5. Violations and penalties. [Amended 5-11-2002 ATM Art. 30]

~~Any person or entity who violates this chapter shall be liable to the following fines for each day the violation continues: For the first offense and each subsequent offense: \$50~~

- A. The Building Commissioner may suspend or revoke any license or permit issued pursuant to this Bylaw for any violation of this Bylaw, or any other applicable federal, state or local law or regulation. Any person aggrieved by a decision of the Building Commissioner may appeal to the Board of Selectmen. Any such appeal shall be in writing and must be received by the Board within seven (7) days of the date of the order. Upon receipt of a timely appeal, the Board shall hold a public hearing and shall make such order, as it deems necessary to promote the purposes of this Bylaw.
- B. This Bylaw may be enforced by the Building Commissioner and/or any Town of Westford Police Officer. Any person found violating any provision of this Bylaw may be penalized by a noncriminal disposition process as provided in the Town's non-criminal disposition bylaw, Chapter 1: Penalties for Violating Bylaws and Regulations. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.